

REMARKS

Introduction

In the Office Action, Claims 1-19, 21-48, and 50-53 were rejected under 35 U.S.C. § 102(e) as being anticipated by US 6,198,431 B1 (“Gibson”). Claim 20 was rejected under 35 U.S.C. § 103(a) as being obvious over Gibson in view of US 2001/0053970 A1 (“Ford”). Applicant thanks the Examiner for the indication that claim 49 would be allowable if amended to recited the limitations of the base claim and any intervening claims.

Claims 1, 2, 18, 34, 44, and 50 have been amended. Claims 3-4, 36-37, and 45 have been canceled. Claims 1-2, 5-35, 38-44, and 46-53 are pending. For the reasons stated below, Applicant believes that all pending claims are in condition for allowance.

Claims 1 and 34

Independent claims 1 and 34 each recite polling a “reference receiver a plurality of times at a variable execution rate . . . based at least in part on a desired resolution”. Assuming *arguendo* that the Office Action (page 2) is correct to assert that “Gibson teaches that the execution rate for polling is variable”, Gibson plainly does not teach polling a “reference receiver a plurality of times at a variable execution rate *based at least in part on a desired resolution.*”

Gibson teaches a tracker that records GPS data “received at certain bursts”, the interval or length of which is dependent *only* on “the speed with which a person wearing a tracker travels.” (Col. 6, lines 47-50.) Applicant’s claimed invention, in contrast, comprises a variable execution rate. The variable execution rate is based at least in part on a desired resolution for playing back trajectory path data in *addition* to being based on the speed or velocity of a trajectory path:

The program execution rate may be variable based on the resolution desired by the participant 14 if the velocity or acceleration rate of the trajectory path 16 is faster or slower. A faster execution rate will yield a more accurate reproduction playback because the program 34 stores position and time data more frequently and at more locations 16a along the trajectory path 16. (Specification, ¶ 29.)

Gibson offers absolutely no teaching or suggestion that different participants may desire different resolutions for playback, much less that it is possible to vary resolutions.

In fact, Gibson teaches away from the concept of achieving a selected resolution by varying the program execution rate because Gibson seems to suggest that a traveler's speed is the only variable affecting the execution rate, and that the execution rate is predetermined for different speeds (col. 6, lines 47-50). Thus, Gibson's "bursts" cannot be based on a desired resolution for playback as is the case with the variable execution rate of the presently claimed invention. Further, Gibson discloses only statically viewing data in printed form or on a monitor, and thus there would have been no reason in the context of Gibson's invention to have varied resolution for playback of data, as is the case with the present invention.

Accordingly, at least for the reasons stated above claims 1 and 34, as well as claims 2, 5-33, 35, and 38-43 depending respectively therefrom, are in condition for allowance.

Claim 18

Claim 18 recites a "location recording device . . . designed to be carried by a mobile entity, . . . wherein the entity's position is determined at least in part by inertial navigation techniques." Applicant's specification (§§23-28) explains that such techniques represent at least one way to generate trajectory path data. Gibson does not teach inertial navigation techniques. Nor would Gibson be amenable to a suggestion to use such techniques inasmuch as Gibson's invention is taught exclusively in the context of using GPS techniques. (Title; Abstract; col. 1, lines 12-13.)

For at least these reasons, claim 18, as well as claims 18-33 depending therefrom, are in condition for allowance.

Claims 44 and 50

Claims 44 and 50 each recite "a composite simulation dataset that can be viewed from more than one perspective." The Office Action (page 6) asserts that "Gibson teaches a variety of viewing perspectives". Actually Gibson teaches no more than that "data is transferred by the mapping software (11) . . . and plots the travels or movements of the user as GPS dots or bread crumbs via a printer (12) *onto various types of maps*". (Col. 7, lines 20-29; emphasis added.) The present invention, in contrast, comprises viewing a composite simulation dataset from more than one perspective. As Applicant's specification (§ 39) explains:

Because the composite simulation dataset 74 is made from digital data, the trajectory path 16 can be viewed from multiple views, perspectives

and angles. An example of a skiing-related composite simulation dataset 14 being played back through the first person perspective 82 of a participant 14 is shown in Figure 8. Other perspectives and angles for viewing or playing back the composite simulation dataset 74 may include a third-person perspective, such as views from above, from the side, or from behind. The first-person perspective view 82 may show the participant's 14 experience alone or may show a plurality of skiers 14a, 14b, 14c, 14d, and 14e skiing relative to the participant 14.

Gibson offers no teaching or suggestion that its various kinds of maps can be used to view a dataset from more than one perspective. In fact, inasmuch as Gibson teaches printing representations of datasets onto static maps, Gibson suggests viewings its datasets from only one perspective. In any event, viewing a dataset on more than one kind of map and viewing a dataset from more than one perspective are clearly two entirely different things.

Accordingly, for at least the forgoing reasons, claims 44 and 50, as well as claims 46-49 and 51-53 depending therefrom, are in condition for allowance.

Conclusion

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Please charge our Deposit Account No. 18-1945 in the amount of \$110.00. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 18-1945, under Order No. BBNT-P01-005.

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Respectfully submitted,

By 

Edward A. Gordon

Registration No.: 54,130

ROPES & GRAY LLP

One International Place

Boston, Massachusetts 02110-2624

(617) 951-7000

(617) 951-7050 (Fax)

Attorneys/Agents For Applicant